

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL  
INDUSTRY AVERAGE WHOLESALE  
PRICE LITIGATION  
\_\_\_\_\_

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)  
) MDL NO. 1456  
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)

) CIVIL ACTION: 01-CV-12257-PBS  
) 05-CV-11795-PBS  
)

THIS DOCUMENT RELATES TO:  
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)  
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) Judge Patti B. Saris  
)  
)

*State of Florida, et al. v. Alpharma,  
Inc., et al.*  
\_\_\_\_\_

) Chief Mag. Judge Marianne B. Bowler  
)  
)

**STATUS REPORT NOVEMBER 1, 2005**

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs hereby submit the following status report to the Court listing the status of all motions to date.

Respectfully Submitted,

DATED: November 1, 2005

By /s/ Mark S. Thomas

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**MDL 1456 Status Report**  
**State of Florida, ex rel. Ven-A-Care v. Alpharma, Inc., et al.**  
**Case No.: 05-CV-11795-PBS**

**Complaint in Intervention**

On April 5, 2005, Plaintiffs filed a Complaint in Intervention styled *State of Florida v. Alpharma, Inc.*, Nos. 03-CA1165A, 98-3032F (Fla. 2d Cir. Ct.) in the Court of the Second Judicial Circuit in and for Leon County, Florida.

**Removal to Federal Court**

On July 20, 2005, Defendants removed this action to the United States District Court for the Northern District of Florida.

**Transfer to the District Court of Massachusetts**

On July 25, 2005, Defendant Sandoz, Inc., filed a notice of related action and requested that this case be transferred to the District Court of Massachusetts. Plaintiffs filed a Notice of Non-Opposition to the Defendants' request to transfer this case to the District of Massachusetts but retaining their request to have this case remanded to State Circuit Court. On August 25, 2005, the Judicial Panel on Multidistrict Litigation (JPML) transferred this case to this Court. On September 1, 2005, this Court consolidated this case with Civil Action No. 01-12257-PBS.

**Motion for Remand and Memorandum of Law in Support of Motion for Remand**

On August 18, 2005, Plaintiffs filed in the United States District Court for the Northern District of Florida a Motion for Remand and Memorandum of Law in Support of Motion for Remand to State Circuit Court. After this case was transferred to this Court, on September 14, 2005, the parties filed a Joint Motion for Consideration of Scheduling Order requesting that this Court adopt the parties' proposed scheduling order. On October 4, 2005, this Court granted the Parties' proposed scheduling order ("Order").

Pursuant to this Order, Plaintiffs filed a new Memorandum of Law substituting the Memorandum of Law previously filed in the United States District Court for the Northern District of Florida. Defendants filed their response on October 14, 2005.

**Pending Motions to Date**

Plaintiffs' Motion for Remand and Memorandum of Law in Support of Motion for Remand to State Circuit Court is **currently pending** before this Court. No other motions are currently pending before this Court.

**CERTIFICATE OF SERVICE**

I hereby certify that I, Jonathan Shapiro, an attorney, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on November 1, 2005, pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LEXIS File & Serve electronic filing service. I hereby also certify that a copy hereof was furnished via U.S. Mail this 1<sup>st</sup> day of November, 2005, to the following:

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